

**SENATE JOURNAL
66TH LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 5, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/5/2019

Correctly printed: **SB 12, SB 70, SB 91, SB 133, SB 201, SB 202, SB 203, SB 204, SB 205, SR 4, SR 5.**

Correctly engrossed: **SB 30, SB 114, SB 151.**

Examined by the sponsor and found to be correct: **SR 13.**

Transmitted to the House: **SB 59, SB 61, SB 136, SJ 2, SJ 3.**

Signed by the Secretary of the Senate at 2:25 p.m., February 5, 2019: **SR 13.**

Signed by the President at 2:40 p.m., February 5, 2019: **SR 13.**

Delivered to the Secretary of State at 3:22 p.m., February 5, 2019: **SR 13.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):

2/5/2019

SR 14, introduced resolution, be amended as follows:

1. Page 2, line 20 through line 29.

Strike: subsection (9) through subsection (10) in their entirety

And, as amended, be adopted.

SR 15, introduced resolution, be amended as follows:

1. Page 1, line 14.

Strike: line 14 in its entirety

2. Page 1, line 21.

Strike: line 21 in its entirety

3. Page 2, line 3 through line 9.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

And, as amended, be adopted.

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HB 59, be concurred in.

HB 68, be concurred in.

HB 90, be concurred in.

COMMITTEE ON COMMITTEES (Brown, Chair): 2/5/2019
Appointed the following Senators to the Joint Select Committee for Settlement Accountability:
Senator Esp, Chair, Senators Fitzpatrick, McConnell, Pomnichowski, and Regier.

JUDICIARY (Regier, Chair): 2/5/2019
SB 114, introduced bill, be amended as follows:

1. Page 3, line 18.

Strike: "For"

Insert: "Except as provided in subsection (4)(c), for"

2. Page 3, line 19.

Following: line 19

Insert: "(b) Except as provided in subsection (4)(c), for a second or subsequent offense, the offender shall be imprisoned in the state prison for a term not to exceed 5 years or fined an amount not to exceed \$10,000, or both."

3. Page 3, line 20.

Strike: "(b)" through "first"

Insert: "(c) For a first or subsequent"

Renumber: subsequent subsections

And, as amended, do pass.

SR 8, be adopted.

SR 9, be adopted.

NATURAL RESOURCES (Welborn, Chair): 2/4/2019
SB 151, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "PROVIDING"

Insert: "AN IMMEDIATE EFFECTIVE DATE AND"

2. Page 2.

Strike: "regardless" on line 16 through "filed" on line 17

Insert: "filed on or before June 30, 2019"

3. Page 2.

Following: line 13

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and

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approval."

Renumber: subsequent section

And, as amended, do pass.

SR 24, be adopted.

SJ 4, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

2/4/2019

SB 30, introduced bill, be amended as follows:

1. Page 3, line 9.

Following: "chapter 38"

Insert: ", provided to adults 18 years of age and older"

And, as amended, do pass.

STATE ADMINISTRATION (Brown, Chair):

2/4/2019

SB 89, do pass.

SB 150, do pass.

SB 154, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/4/2019

HB 33, introduced by J. Windy Boy

HB 148, introduced by F. Mandeville

HB 205, introduced by R. Shaw

HB 239, introduced by M. Marler

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 206, introduced by A. Olszewski, J. Ellis, B. Hamlett, S. Hinebauch, D. Howard, M. MacDonald, K. Regier, referred to Agriculture, Livestock and Irrigation.

SB 207, introduced by T. Jacobson, F. Thomas, referred to Taxation.

SB 208, introduced by T. Jacobson, B. Bennett, T. Winter, referred to Taxation.

The following Senate bills were introduced and read first time:

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SB 209, introduced by J. Esp.

SB 210, introduced by M. Blasdel.

The following House bills were introduced, read first time, and referred to committees:

HB 33, introduced by J. Windy Boy (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.

HB 148, introduced by F. Mandeville, D. Bartel, B. Beard, S. Berglee, B. Brown, G. DeVries, D. Dunn, F. Fleming, W. Galt, C. Glimm, S. Greef, S. Gunderson, G. Hertz, C. Knudsen, D. Lenz, T. Manzella, W. McKamey, M. Noland, D. Skees, B. Tschida, B. Usher, P. Webb, K. White, D. Zolnikov, K. Bogner, J. Fielder, S. Fitzpatrick, K. Regier, C. Smith, G. Vance, referred to Taxation.

HB 205, introduced by R. Shaw, J. Cohenour, R. Fitzgerald, F. Garner, L. Jones, W. Sales, J. Welborn, T. Welch, referred to Fish and Game.

HB 239, introduced by M. Marler, Z. Brown, B. Grubbs, D. Loge, S. Morigeau, referred to Fish and Game.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bennett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 79 - Senator Hinebauch moved **SB 79** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Smith F.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 144 - Senator Jacobson moved **SB 144** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 161 - Senator Jacobson moved **SB 161** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.

Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Fielder, Howard, Kary, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance.

Total 15

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 163 - Senator Fitzpatrick moved **SB 163** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

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Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Bennett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were

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disposed of in the following manner:

SB 12 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Esp, Fielder, Keenan.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 70 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Brown, Cuffe, Esp, Fielder, Hoven, Howard, Lang, Olszewski, Osmundson, Regier, Salomon, Tempel, Vance, Webb.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 91 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick,

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Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 39

Nays: Blasdel, Brown, Esp, Fielder, Howard, Keenan, Mr President, Olszewski, Regier, Smith F, Vance.

Total 11

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 133 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 6, 2019, the twenty-fourth legislative day. Motion carried.

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Senate adjourned at 1:25 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate